



U.S. Department of Justice

United States Attorney
Southern District of New York

50 Main Street, Suite 1100
White Plains, New York 10606

June 18, 2024

By Email and ECF

The Honorable Cathy Seibel
United States District Judge
Southern District of New York
300 Quarropas Street
White Plains, New York 10601

It seems to the Court that the Government could meet its deadlines (7/1/24 for GXs and 7/5/24 for 3500) despite the IT issue if an AUSA could attend to the case after 6/26/24. I am reluctant to adjourn the hearing of a detained defendant based on an AUSA's unavailability, and I am reluctant to interfere with any lawyer's vacation, so it seems to me the Government should assign another AUSA to work with Mr. Arad so that the hearing can go forward as scheduled on 7/10/24. If that is not possible for some reason, or if the IT issue persists after 6/26/24, the Government can let me know, but at this point I will leave hearing on for 7/10/24.

SO ORDERED.

CATHY SEIBEL, U.S.D.J.

6/18/24

Dear Judge Seibel:

The Government submits this letter to respectfully request that the Court adjourn the violation of supervised release hearing in the above-referenced case, which is currently scheduled for July 10, 2024.

Last week, a ransomware attack disabled the information technology systems of the City of Newburgh and its police department, which investigated the conduct underlying Specifications 6 and 7 of the violation report in this case. As a result, the Government is unable to obtain key evidence regarding those specifications, which is stored on the City of Newburgh's servers. Officials from the City of Newburgh estimate that it will take until June 26 to restore their systems, and the undersigned will be overseas from June 26 through July 7.

The Government respectfully requests an adjournment to provide time for the Government to obtain the evidence underlying Specifications 6 and 7, produce it to the defense, and use it to prepare for the hearing. In addition, the parties are negotiating actively toward a resolution in this case. Those negotiations would benefit from access to the evidence underlying Specifications 6 and 7 and from an adjournment.

The Government has conferred with defense counsel, John Wallenstein. Mr. Wallenstein is traveling abroad until June 30, but advises that based on a conversation with his client last week, the defendant would not consent to the Government's request. The Government also has spoken with Mr. Clark, who advises that the Court is available on July 24. Should the Court reschedule

the hearing for that date, the Government respectfully proposes a deadline of July 15 for the Government to produce exhibits and 3500 material.

Respectfully submitted,

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By:


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cc: John Wallenstein, Esq.
Probation Officer Robert Harris